

## Council Communication

Department and Applicant: Community Development Case #MIS-10-001	Resolution No. <u>10-99</u>	City Council: 3-29-10 Planning Commission: 3-9-10
<b>Subject/Title</b> Amend the <i>Two-Mile Limit Area Policy Agreement</i> between Pottawattamie County and the City of Council Bluffs to adopt a new map and service area locations resulting from annexation.		
<b>Background/Discussion</b> <p>The <i>Two-Mile Limit Area Policy Agreement</i> between the City and County was first adopted in December 1995. The agreement was created to identify and define the administrative policies and responsibility for development regarding subdivision, zoning and annexation within the two-mile extraterritorial jurisdiction of the City. Subsequently, the agreement was amended in March 1998, November 1999, June 2002, June 2005, August 2005 and September 2007.</p> <p>The two-mile limit area map expands concurrently with annexation. The 2005 Service Area map is included for reference. The 2010 Service Area Map –‘February 11, 2010 Amendment’ shows the expanded 2 mile limit and the four corresponding service areas as described below.</p> <p><u>City Service Area I</u> - Development served by municipal utilities, which are constructed to City subdivision and design standards. Annexation is required. The County will approve zoning requests, not involving annexation.</p> <p><u>City Service Area II</u> – Development served by municipal water and septic systems or common sewage treatment plants, which are constructed to City subdivision and design standards. Annexation is also required. The County will approve zoning requests, not involving annexation.</p> <p><u>County Service Area I</u> – Development served by municipal water services and septic systems or common sewage treatment plants. Location of these properties is such that they are beyond a reasonable expectation of future annexation by the City. All zoning requests will be reviewed and approved by the County. County subdivision and design standards will be applied to regulate development.</p> <p><u>County Service Area II</u> - Development served by a combination of public/common water systems or individual private wells and septic systems or common sewage treatment plants. Location of these properties is such that they are beyond a reasonable expectation of future annexation by the City. All zoning requests will be reviewed and approved by the County. County subdivision and design standards will be applied to regulate development.</p> <p>In addition to the land area extended due to the annexation, service area type changes are proposed for three areas.</p> <ol style="list-style-type: none"><li>1. Along the north boundary, City Service Area I which formerly extended the entire length shortened and changed to City Service Area II from west of the Interstate and extending east to connect to the existing City Service Area II.</li><li>2. On the east side, southeast of the airport, City Service Area I is moved a half mile farther east.</li><li>3. East of Valley View Drive, the area north of approximately Deer Run will be added to City Service Area I from City Service Area II.</li></ol>		

Both the City and the County Planning Commissions are considering the proposed map amendment to the adopted *Two Mile Limit Area Policy Agreement*. Those recommendations will be forwarded to the City Council and County Board of Supervisors respectively, for consideration and action.

#### **Recommendation**

The Community Development Department recommends amending the *Two-Mile Limit Area Policy Agreement* by adopting the 2010 Service Area Map - 'February 11, 2010 Amendment', as presented and forwarding the recommendation to the Pottawattamie County Board of Supervisors for their consideration.

#### **Public Hearing**

Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.

#### **Planning Commission Recommendation**

The Planning Commission recommends amending the *Two-Mile Limit Area Policy Agreement* by adopting the 2010 Service Area Map - 'February 11, 2010 Amendment', as presented and forwarding the recommendation to the Pottawattamie County Board of Supervisors for their consideration.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried

Attachments: 2010 Service Area Map – 'February 11, 2010 Amendment' and 2005 Service Area Map

Prepared by: Gayle M. Malmquist, Development Services Coordinator

# Service Area Map 2005

## Legend

City-County Jurisdictional Line



Airport

City Service Area I

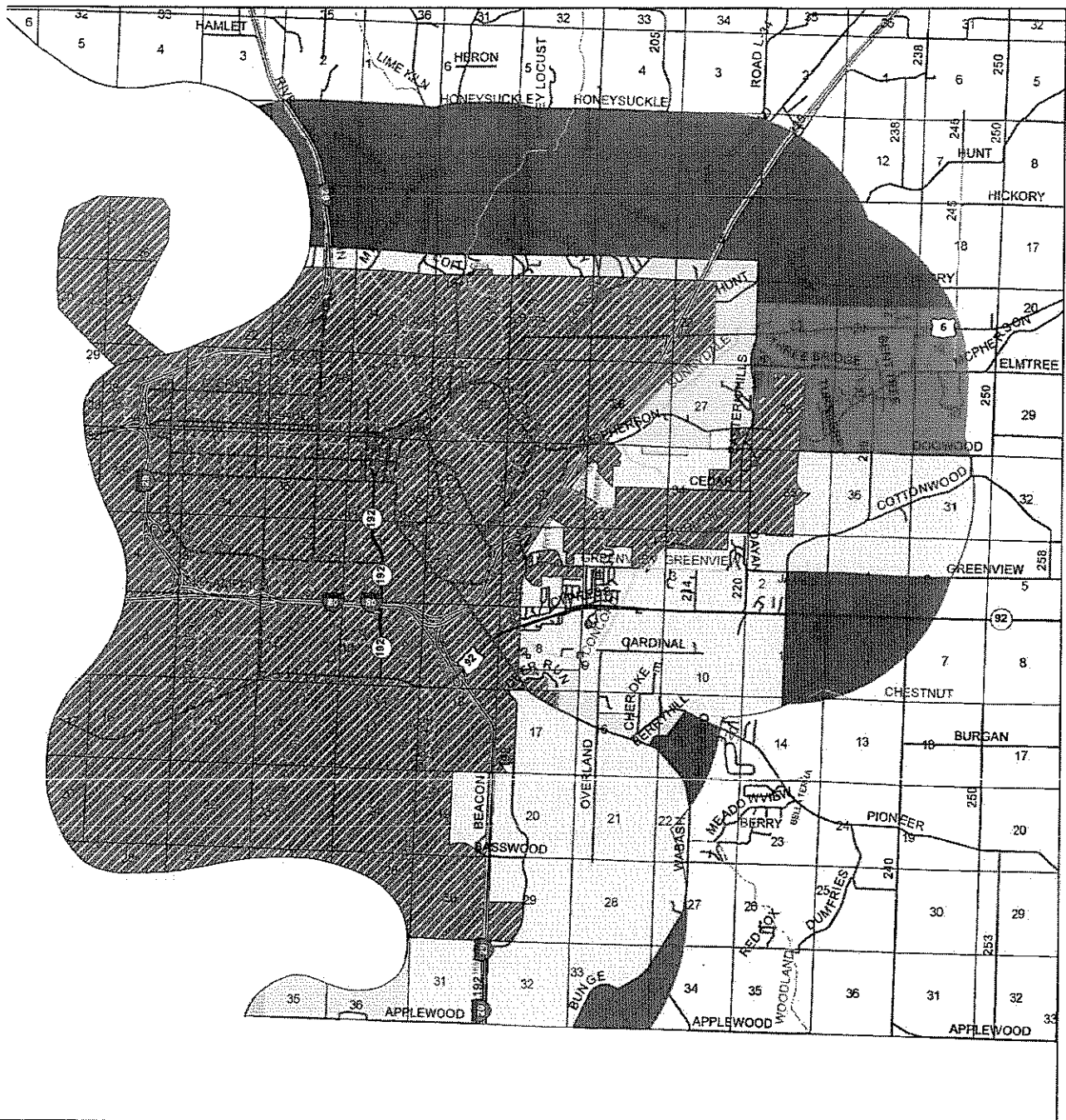
City Service Area II

County Service Area I

County Service Area II






# 2010 Service Area Map



February 11, 2010 Amendment

## Legend

### Service Areas

-  City Service Area 1
-  City Service Area 2
-  County Service Area 1

**RESOLUTION NO. 10-99**

**A RESOLUTION AMENDING THE TWO-MILE LIMIT AREA POLICY AGREEMENT BETWEEN POTTAWATTAMIE COUNTY AND THE CITY OF COUNCIL BLUFFS, TO ADOPT A NEW MAP AND SERVICE AREA LOCATIONS RESULTING FROM ANNEXATION.**

- WHEREAS,** the *Two-Mile Limit Area Policy Agreement* between the City and County was first adopted in December 1995. The agreement was created to identify and define the administrative policies and responsibility for development regarding subdivision, zoning and annexation within the two-mile extraterritorial jurisdiction of the City; and
- WHEREAS,** amendments to this agreement were approved in March 1998, November 1999, June 2002, June 2005, August 2005, and September 2007; and
- WHEREAS,** the two-mile limit area map expands concurrently with annexation. The 2010 Service Area Map – “February 11, 2010 Amendment” shows the expanded two mile limit and the four corresponding service areas; and
- WHEREAS,** in addition to the land area extended due to the annexation, service area type changes are proposed for three areas:
1. Along the north boundary, City Service Area I which formerly extended the entire length shortened and changed to City Service Area II from west of the Interstate and extending east to connect to the existing City Service Area II.
  2. On the east side, southeast of the airport, City Service Area I is moved a half-mile farther east.
  3. East of Valley View Drive, the area north of approximately Deer Run will be added to City Service Area I from City Service Area II.
- WHEREAS,** it is the recommendation of the Community Development Department and the Planning Commission to amend the *Two-Mile Limit Area Policy Agreement* by adopting the 2010 Service Area Map – “February 11, 2010 Amendment”, as presented; and
- WHEREAS** the Community Development Department and the Planning Commission will forward their recommendation to the Pottawattamie County Board of Supervisors for their consideration.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

The *Two-Mile Limit Area Policy Agreement* is hereby amended by adopting the 2010 Service Area Map – “February 11, 2010 Amendment”, upon concurrence of the Pottawattamie County Board of Supervisors.

ADOPTED  
AND  
APPROVED

March 29, 2010

\_\_\_\_\_  
THOMAS P. HANAFAN

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN

\_\_\_\_\_  
City Clerk

MIS-10-001

## Council Communication

Department: Legal	Resolution No. <u>10-100</u>	Council Action: <u>3/29/2010</u>
Case/Project No.		
<b>Subject/Title</b>		
Resolution authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Pilot Travel Center #329, 2647 South 24 <sup>th</sup> Street, Council Bluffs, Iowa, for a violation of the State's tobacco laws.		
<b>Background/Discussion</b>		
On or about January 14, 2010, compliance checks by the Council Bluffs Police Department resulted in a citation being issued to an employee of Pilot Travel Center #329 for providing tobacco to a minor. We are pursuing civil penalties against the permit holder. The civil penalty for a first violation is \$300. Pilot Travel Center LLC has made payment of the \$300 penalty and has submitted their Acknowledgement/Settlement Agreement. A resolution has been prepared authorizing the Mayor to execute the Order to Accept the Acknowledgement/Settlement Agreement from this business.		
<b>Recommendation</b>		
Authorize the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Pilot Travel Center #329, 2647 South 24 <sup>th</sup> Street, for a first violation of the State's tobacco laws.		

Don Bauermeister, Asst. City Attorney

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Mayor Signature

RESOLUTION NO. 10-100

A RESOLUTION authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Pilot Travel Center #329 for a violation of Iowa Code Section 453A.2(1).

WHEREAS, the State of Iowa has enacted a comprehensive program aimed at reducing underage tobacco use; and

WHEREAS, compliance checks in Council Bluffs resulted in a citation being issued to an employee of Pilot Travel Center #329, 2647 South 24<sup>th</sup> Street, on or about January 14, 2010; and

WHEREAS, the mandatory civil penalty has been paid, and it is in the best interest of the City to execute the Order Accepting the Acknowledgement/Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized to execute the Order Accepting the Acknowledgement/Settlement Agreement from Pilot Travel Center #329, 2647 South 24<sup>th</sup> Street, for a violation of Iowa Code Section 453A.2.

ADOPTED  
AND  
APPROVED

March 29, 2010

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN City Clerk



BEFORE THE CITY COUNCIL  
FOR THE CITY OF COUNCIL BLUFFS, IOWA

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IN RE:

Pilot Travel Center #329  
2647 South 24<sup>th</sup> Street  
Council Bluffs, IA 51501

**ORDER ACCEPTING  
ACKNOWLEDGEMENT/SETTLEMENT  
AGREEMENT**

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ON this 29th day of March, 2010, in lieu of a public hearing on the matter, the City Council approves the attached Acknowledgement/Settlement Agreement between the above-captioned permittee and the City of Council Bluffs, Iowa.

THEREFORE, the City Council for the City of Council Bluffs, Iowa, FINDS that the above-captioned permittee has remitted to the City of Council Bluffs, Iowa, a civil penalty in the amount of three hundred dollars (\$300.00). Be advised that this sanction will count as a first violation of Iowa Code Section 453A.2(1), pursuant to Iowa Code Section 453A.22(2)(a).

IT IS THEREFORE ORDERED that the judgment in this matter is hereby satisfied.

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN City Clerk

## Council Communication

Department: Parks, Recreation and Public Property	Ordinance No. _____	
Case/Project No.	Resolution No. <u>10-101</u>	Date: <u>March 29, 2010</u>
Applicant: Larry N. Foster		

### Subject/Title

For City Council consideration is a resolution awarding a contract in the amount of \$431,500.00 to Construct, Inc., for the Renovation and Rehabilitation of the HVAC Systems at the Community Hall/Central Fire Station and the Library Project.

### Background/Discussion

On May 11, 2009, the City Council authorized the Department of Parks, Recreation and Public Property to submit an application for an Energy Efficiency and Conservation Program grant. This grant request was eventually approved.

Thereafter, on November 9, 2009, the Council authorized an agreement with BVH Architects to prepare plans, specification and bid documents for the individual work elements included in this grant funded project.

In accordance with the grant requirements, the initial project elements included various HVAC renovations/rehabilitations within the Community Hall/Central Fire Station and the Public Library. In the Community Hall/Central Fire Station, the individual project items included renovation/replacement of the temperature control system, the boiler, the unit ventilator and an upgrade of the air distribution system. The Library work items include variable frequency controls, demand temperature controls and space sensor control. The project's objective was to increase the energy efficiency of these facilities.

On February 8, 2010, the Council approved the plans, specifications, bid documents and contracts and set a bid date of March 9, 2010, at 10:00 a.m. The following are the companies and their bids:

<u>Company</u>	<u>Base Bid</u>	<u>Total w/ 4 Alternates</u>
Construct, Inc.	\$431,500.00	\$464,950.00
Lueder Construction Co.	\$440,000.00	\$476,600.00
Ronco Construction Co.	\$444,400.00	\$479,700.00
Anderson Construction Co.	\$448,479.00	\$483,069.00
DR Anderson Contractors	\$464,400.00	\$497,300.00
Engineers Estimate	\$417,000.00	estimate on alternates not provided

Funding for the project elements outlined in the plans, specifications and bid documents, as well as all other project costs will be paid from the following sources:

- EECF Grant - \$571,500.00
- Mid-American Energy Grant - \$5,000.00
- City In-Kind Labor - \$19,500.00
- 08-09 CIP Project #09-04-BF (City Hall Windows) - \$216,260.00

The low bid exceeds the engineers estimate by \$14,500.00 (3.4%). The Department has reviewed possible reasons for the bid exceeding the estimate and determined these reasons include; 1.) at the final design stage, due to the condition of the hot/cold deck coils, the replacement of these items was moved from being bid as an alternative to being included in the base bid and the engineers estimate was not

revised to include this additional work; 2.) the contractors time/effort associated with management of the Davis/Bacon wage requirements appears to be greater than estimated; 3.) the cost of some of the control units is greater than anticipated. The Finance Director has agreed, should this overage not be recovered through the bidding of future elements of this project, these additional funds will be provided from funding substitutions with other Department projects.

**Recommendation**

Recommendation that the City Council adopt the resolution awarding Construct, Inc., the contract for the Renovation and Rehabilitation of the HVAC Systems at the Community Hall/Central Fire Station and the Library Project in the amount of \$431,500.00.

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Larry N. Foster

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Thomas P. Hanafan

RESOLUTION NO. 10-101

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT AND AWARD BID TO CONSTRUCT, INC., FOR THE RENOVATION AND REHABILITATION OF THE HVAC SYSTEMS AT THE COMMUNITY HALL/CENTRAL FIRE STATION AND THE LIBRARY PROJECT.

WHEREAS, the City of Council Bluffs desires to renovate and rehabilitate the HVAC Systems at the Community Hall/Central Fire Station and the Library; and

WHEREAS, on February 8, 2010, Council approved the plans, specifications and form of contract for the Renovation and Rehabilitation of the HVAC Systems at the Community Hall/Central Fire Station and the Library Project; and

WHEREAS, on March 9, 2010 bids were received; and

WHEREAS, Construct, Inc., has submitted a low bid in the total amount of \$431,500.00 ; and

WHEREAS, the City Council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

NOW, THEREFORE BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute a contract with Construct, Inc., for the Renovation and Rehabilitation of the HVAC Systems at the Community Hall/Central Fire Station and the Library Project.

ADOPTED  
AND  
APPROVED March 29, 2010

\_\_\_\_\_  
Thomas P. Hanafan                      Mayor

Attest:

\_\_\_\_\_  
Marcia L. Worden                      City Clerk

## Council Communication

Department: Parks, Recreation and Public Property  Case/Project No.  Applicant: Larry N. Foster	Ordinance No. _____  Resolution No. <u>10-102</u>	Date: <u>March 29, 2010</u>								
<b>Subject/Title</b>										
Council approval of American Fence Co. as contractor for the Bahnsen Park Improvements Phase I - Fencing Project.										
<b>Background/Discussion</b>										
<p>Over the past several years, increased interest in the City's baseball/softball programs has resulted in the use of the existing game quality fields, at the Recreation Complex, approaching a maximum participation level. As a result, in order to accommodate the demand, the Parks and Recreation Department has increased the game play use on the existing Bahnsen Ball Field Complex.</p> <p>In order to accommodate this increased use and further anticipated growth, it has become clear that improvements are necessary at the Bahnsen Complex. This is required to provide the level of facility appropriate for today's league and tournament play.</p> <p>In order to insure the proper rehabilitation to the complex, the Department initiated a Master Plan to determine the scope and scale of the needed field improvements.</p> <p>This Master Plan proposes fencing improvement, repairs to deteriorated walkways and selected concrete areas, backstop repairs, installation of an agri-lime infield surface, replacement of the sub-standard outfield fence, outfield irrigation, parking lot surface improvements and improved signage and entrance elements. This Master Plan was approved by the Council Bluffs Parks, Recreation and Public Property Commission on March 9, 2010.</p> <p>The fencing improvements associated with this Resolution are outlined in the Master Plan. Specifically, the improvements include repairs to the existing fencing and backstop, extending sections of the sideline fencing and replacing the substandard 42" outfield fence with an 8' high fence.</p> <p>The following are the bids received for this project:</p> <table style="margin-left: auto; margin-right: auto;"><tr><td style="text-align: left;"><u>Company</u></td><td style="text-align: left;"><u>Base Bid</u></td></tr><tr><td>American Fence Co.</td><td>\$37,089.02</td></tr><tr><td>Elkhorn Fence Co.</td><td>\$37,587.40</td></tr><tr><td>S&amp;W Fence</td><td>\$42,693.00</td></tr></table> <p>The Engineer's estimate for construction is \$41,069.60.</p> <p>Funding for this project will be provided by GO Bonds programmed for the Parks and Recreation Projects, in the 09-10 CIP, Project #10-05-PR.</p>			<u>Company</u>	<u>Base Bid</u>	American Fence Co.	\$37,089.02	Elkhorn Fence Co.	\$37,587.40	S&W Fence	\$42,693.00
<u>Company</u>	<u>Base Bid</u>									
American Fence Co.	\$37,089.02									
Elkhorn Fence Co.	\$37,587.40									
S&W Fence	\$42,693.00									
<b>Recommendation</b>										
Recommendation to City Council to approve American Fence Company for fencing for the Bahnsen Park Improvement Phase I – Fencing Project.										

\_\_\_\_\_  
Larry N. Foster

\_\_\_\_\_  
Thomas P. Hanafan

RESOLUTION NO. 10-102

A RESOLUTION APPROVING THE LOW BID FROM AMERICAN  
FENCE COMPANY FOR THE BAHNSEN PARK IMPROVEMENT  
PHASE I - FENCING PROJECT IN THE AMOUNT OF \$37,089.02.

WHEREAS, the City of Council Bluffs desires to repair the fencing at Bahnsen Park; and

WHEREAS, HGM Associates, Inc., were hired to develop a Master Improvement Plan; and

WHEREAS, bids were sent out and American Fence Company has submitted the low bid of  
\$37,089.02 for the project; and

NOW, THEREFORE, BE IT RESOLVED  
BY THE  
CITY COUNCIL OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City Council approve American Fence Company as the contractor for the work needed to  
replace fencing at Bahnsen Park.

ADOPTED  
AND  
APPROVED      March 29, 2010

\_\_\_\_\_  
Thomas P. Hanafan      Mayor

Attest:

\_\_\_\_\_  
Marcia L. Worden      City Clerk

## Council Communication

Department: Human Resources	Ordinance No. Resolution No. <u>10-103</u>	Council Action: <u>3/29/2010</u>
Case/Project No.		
Applicant: Cindy Lynch		
<b>Subject/Title</b> Approval of New Personnel Policies Manual		
<b>Background/Discussion</b>		
<p>The current Personnel Policies manual was adopted by the City Council on July 29, 1992. Since that time only a few minor changes have been made to coincide with benefit changes. A careful review of the manual reveals that we have reached a point where there are sufficient changes and additions needed to justify the adoption of a new manual.</p> <p>Reasons for this update include:</p> <ol style="list-style-type: none"><li>1. Changes in federal and state laws including the Fair Labor Standards Act (FLSA), Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA); drug and alcohol testing for employees required to have Commercial Driver's Licenses under DOT regulations; military leave provided by the Iowa Code;</li><li>2. Changes in operating procedures that have evolved over time;</li><li>3. Clarifications where language was found to be unclear;</li><li>4. Benefit changes adopted by Council but not incorporated into the Personnel policies.</li></ol> <p>It is noteworthy that the new Personnel Policy Manual has been reviewed by all of the department heads and I have worked closely with Asst. City Attorney, Tamara Madsen, to make sure the changes consistent with state and federal laws. The City's four unions have also been given an opportunity to review and comment on the proposed policy manual changes.</p> <p>In order to effectuate this revision of the City Personnel Policies, the City Council is only required to adopt the prepared resolution.</p>		
<b>Recommendation</b>		
In order to effectuate this revision of the City Personnel Policies manual, the City Council is asked to adopt the prepared resolution		

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Mayor Signature

RESOLUTION NO. 10-103

A resolution adopting a revision of the Personnel Policies Manual.

WHEREAS, the last major revision of the City Personnel Rules occurred in 1992; and,

WHEREAS, changes in Federal and State Law dictate that our current personnel rules must be made current;

WHEREAS, a number of operational changes have been made that need to be reflected in the City's Personnel Policies manual and,

WHEREAS, said changes are deemed to be in the best interest of the City of Council Bluffs, Iowa;

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

That the proposed revision to the City Personnel Policies are hereby adopted and that any policies, regulation, or procedures previously adopted by this Council and in conflict herewith are superseded by this latest revision.

Adopted  
And  
Approved

March 29, 2010

\_\_\_\_\_  
Thomas P. Hanafan Mayor

Attest

\_\_\_\_\_  
Marcia L. Worden City Clerk



## COUNCIL COMMUNICATION

Department: Public Works Ordinance No. \_\_\_\_\_ First Reading March 29, 2010  
Case/Project No.: FY11-12 Resolution No. 10-104  
Applicant: Matthew Cox, City Engineer

### SUBJECT/TITLE

Council consideration of a resolution accepting the bid of R. D. Blue Construction, Inc. in the amount of \$1,267,047.07 for the South 1<sup>st</sup> Neighborhood Rehab Phase I. Project # FY11-12.

### BACKGROUND/DISCUSSION

- On March 11, 2010, bids were received in the City Clerk's office as followed:

	<u>Division I</u> <u>General</u>	<u>Division II</u> <u>Pavement</u>	<u>Division III</u> <u>Storm Sewer</u>	<u>Division IV</u> <u>Sani. Sewer</u>	<u>Division V</u> <u>Water Main</u>	<u>Total</u>
R. D. Blue Construction	\$161,064.57	\$501,870.00	\$155,015.50	\$207,617.00	\$241,480.00	\$1,267,047.07
Leazenby Construction	\$216,921.07	\$510,014.84	\$142,612.19	\$216,454.06	\$192,171.17	\$1,278,173.33
Carley Construction, LLC	\$247,344.25	\$498,862.50	\$144,739.40	\$217,661.75	\$222,990.91	\$1,331,598.81
Tab Construction	\$257,193.00	\$781,625.25	\$155,268.55	\$168,591.63	\$263,046.53	\$1,625,724.96
MFT Construction	\$292,853.55	\$719,950.58	\$253,757.31	\$294,870.85	\$285,134.85	\$1,846,567.14
Engineer's Opinion	\$206,510.00	\$385,155.00	\$126,165.00	\$179,170.00	\$188,548.50	\$1,085,548.50

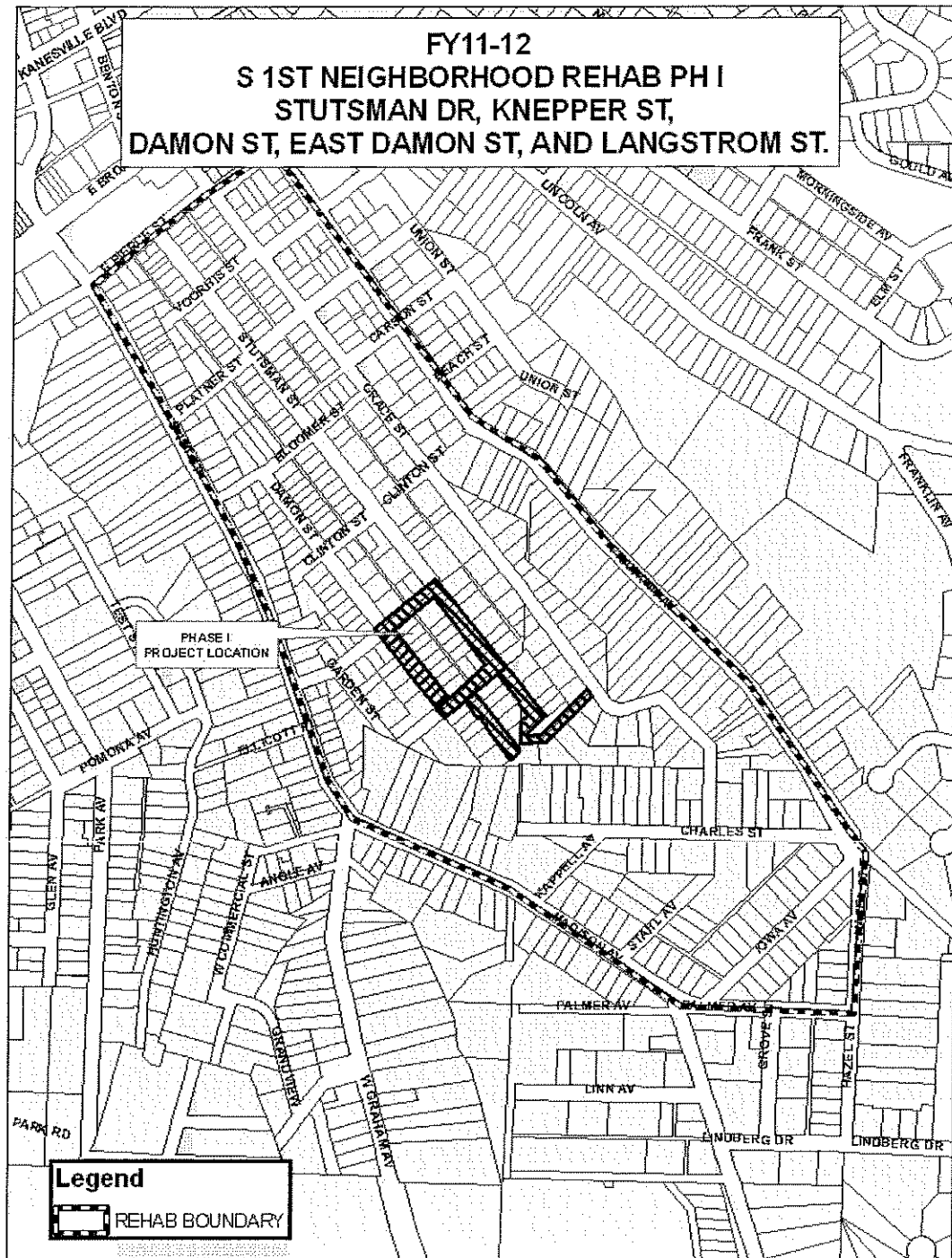
- The South 1<sup>st</sup> Street neighborhood bounded by Pierce St on the north, Palmer Avenue on the south, 1<sup>st</sup> Street on the west and Franklin Ave on the east consists of some of the original town subdivision within the city
- Records indicate that the infrastructure in this area dates back prior to the 1950's and is in need of replacement
- Storm sewers are undersized, sanitary sewers are leaking and broken and the pavements are in poor condition.
- Completed neighborhood study generated eight phases over several years to replace and upgrade the aged infrastructure.
- Phase I is Stutsman Dr., Knepper St., Damon St., East Damon St., and Langstrom St. Scope of work includes replacing sanitary sewer, storm sewer, water main, and pavement. Water main cost will be reimbursed by the Water Works.
- This is project FY11-12 in the CIP and is funded with \$1,000,000 in G.O. Bonds and the balance with sales tax.

### RECOMMENDATION

Approval of this resolution

\_\_\_\_\_  
Greg Reeder, Public Works Director

FY11-12  
S 1ST NEIGHBORHOOD REHAB PH I  
STUTSMAN DR, KNEPPER ST,  
DAMON ST, EAST DAMON ST, AND LANGSTROM ST.



**RESOLUTION**  
**NO 10-104**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE AN AGREEMENT WITH  
R. D. BLUE CONSTRUCTION, INC. FOR THE  
SOUTH 1<sup>ST</sup> NEIGHBORHOOD REHAB PHASE-I  
FY11-12**

WHEREAS, the plans, specifications, and form of contract for the South 1<sup>st</sup> Neighborhood Rehab. – Phase I are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on February 8, 2010, and the plans, specifications and form of contract were approved; and

WHEREAS, R. D. Blue Construction, Inc. has submitted a low bid in the amount of \$1,267,047.07 for this contract.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the bid of R. D. Blue Construction, Inc. in the amount of \$1,267,047.07 is hereby accepted as the lowest and best bid received for said work; and

**BE IT FURTHER RESOLVED**

That the City Council does hereby award the contract in connection with the South 1<sup>st</sup> Neighborhood Rehab – Phase I; and

**BE IT FURTHER RESOLVED**

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with R. D. Blue Construction, Inc. for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

**ADOPTED  
AND  
APPROVED**

March 29, 2010

\_\_\_\_\_  
Thomas P. Hanafan,

Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden,

City Clerk

## COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. \_\_\_\_\_

First Reading March 29, 2010

Case/Project No.: FY08-06B

Resolution No. 10-105

Applicant: Matthew Cox, City Engineer

### SUBJECT/TITLE

Council consideration of a resolution accepting the work of Godbersen-Smith Construction Company as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the Parkwood Circle Structure over Indian Creek. Project # FY08-06B.

### BACKGROUND/DISCUSSION

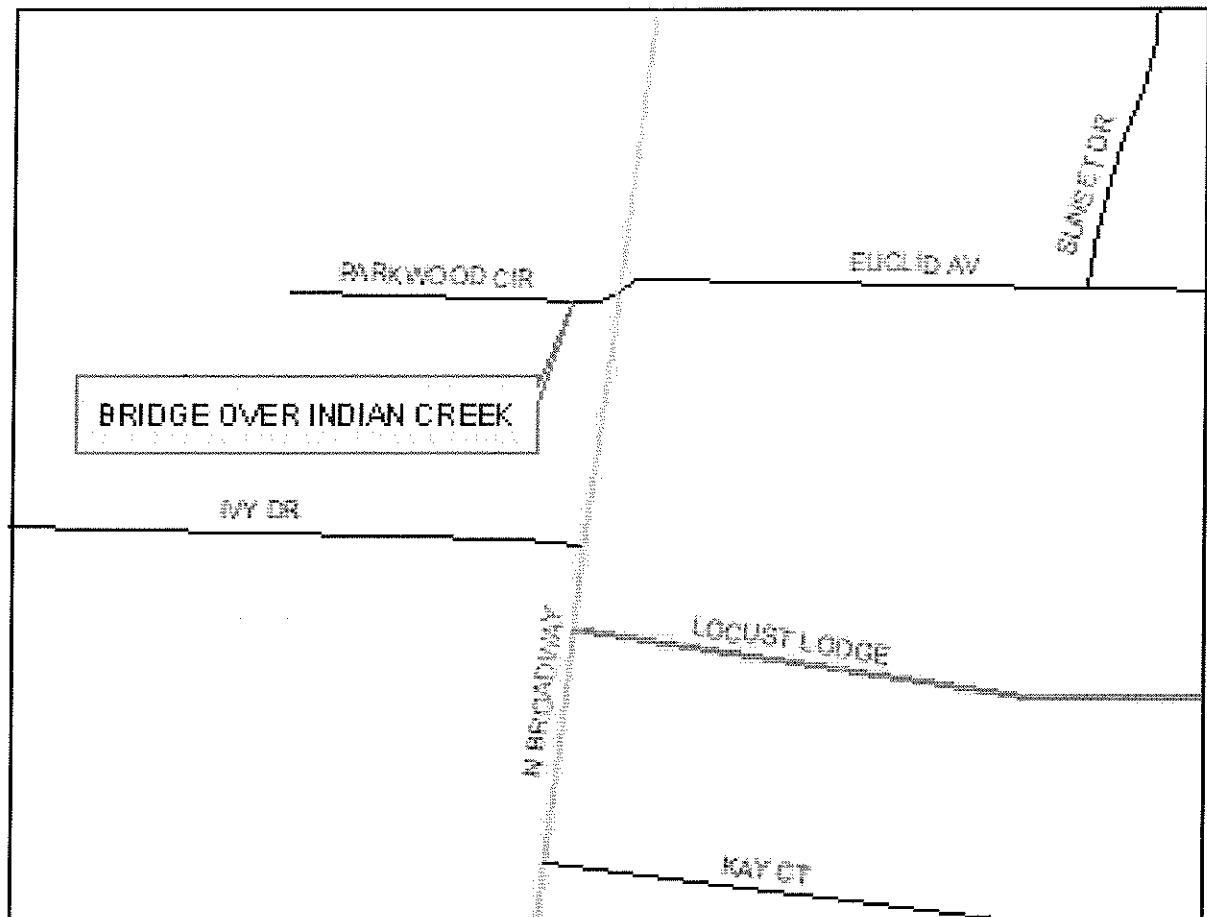
- This bridge was originally built in 1960 and was in very poor structural condition. It had already undergone structural modifications for support and total replacement of the bridge was required.
- The bridge replacement was eligible for HBRR federal aid. This funding was available on a statewide competitive basis. Bridges are inspected, evaluated, and scored on deficiencies. In 2007, six (6) bridges across the state qualified for funding.
- The bridge was replaced with a 12 ft. x 22 ft. x 104 ft. box culvert. This box design will be used to eventually replace the existing open top channel along North Broadway.
- This project was programmed in the CIP as project FY08-06B. Construction was funded 80% Federal Bridge Funds with city match from Sales Tax.

• Original contract amount	\$502,364.94
Change Orders (5.07%)	\$ 25,475.64
Final contract amount	\$527,840.58
Less previous payments	\$512,005.36
Retainage due contractor	\$ 15,835.22

Contract was completed on August 31, 2009 and the contractor received one non-compliance notice.

### RECOMMENDATION

Approval of this resolution.



**RESOLUTION**  
**NO 10-105**

**RESOLUTION ACCEPTING THE WORK OF  
GODBERSEN-SMITH CONSTRUCTION CO. IN CONNECTION WITH  
THE PARKWOOD CIRCLE STRUCTURE OVER INDIAN CREEK  
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE  
A CITY CHECK IN THE AMOUNT OF \$15,835.22  
FY08-06B**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Godbersen-Smith Construction Co., Ida Grove, IA, for the Parkwood Circle Structure Over Indian Creek; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the City clerk; and
- WHEREAS, a request for final payment in the amount of \$15,835.22 to Godbersen-Smith Construction Co. has been submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$15,835.22 constitutes a valid obligation of the City and should in its best interest be paid.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$15,835.22 payable to Godbersen-Smith Construction Co. from budget code G21600-676300. Project #00291.

ADOPTED  
AND  
APPROVED

March 29, 2010

\_\_\_\_\_  
Thomas P. Hanafan,

Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden,

City Clerk

## COUNCIL COMMUNICATION

Department: Public Works  
Case/Project No.: FY10-13  
Applicant: Matthew Cox, City Engineer

Ordinance No. \_\_\_\_\_  
Resolution No. 10-106

First Reading March 29, 2010

### SUBJECT/TITLE

Council consideration of a resolution accepting the bid of MFT Construction, Inc. in the amount of \$1,270,710.53 for the So. 24<sup>th</sup> Street Improvements – Phase I from the north property line of Sapp Brothers north to 23<sup>rd</sup> Avenue. Project #FY10-13.

### BACKGROUND/DISCUSSION

- On March 16, 2010, bids were received in the office of Iowa Department of Transportation as followed:

MFT Construction, Inc., Council Bluffs, IA	A. \$1,270,710.53 B. <u>\$ 247,000.00</u> \$1,517,710.53	(95 Days)
Cedar Valley Corp., Waterloo, IA	A. \$1,467,479.93 B. <u>\$ 247,000.00</u> \$1,714,479.93	(95 Days)
Charles Vrana & Sons, Omaha, NE	A. \$1,525,832.51 B. <u>\$ 234,000.00</u> \$1,759,832.51	(90 Days)
Bluffs Paving & Utility Co., Crescent, IA	A. \$1,759,662.48 B. <u>\$ 221,000.00</u> \$1,980,662.48	(85 Days)
Leazenby Construction, Council Bluffs, IA	A. \$1,797,391.84 B. <u>\$ 247,000.00</u> \$2,044,391.84	(95 Days)
Carley Construction, LLC, Treynor, IA	Irregular	
Engineer's Opinion	A. \$1,395,172.20 B. <u>\$ 247,000.00</u> \$1,642,172.20	(95 Days)

- This project was prepared with special provisions for A + B bidding procedures.
- The "A" portion of the bid is the total base bid for all contract work items. The "B" portion of the bid is the bidder's proposed number of calendar days to substantially complete the identified portion of work multiplied by the daily road user cost.
- The "B" portion can be an incentive or disincentive depending on whether the contractor substantially completes the work before or after the number of calendar days bid.
- The basis of contract award is the sum of A + B, however, the contract award amount is the "A" portion.

## **BACKGROUND/DISCUSSION**

- For this project the contractor bid 95 days and the daily road users costs were determined to be \$2,600 per day. The incentive/disincentive for this project is \$2,600 multiplied by the number of days prior to or after the 95 calendar days bid.
- The total base bid for this project is \$1,270,710.53.
- So. 24<sup>th</sup> Street is a major arterial with 2002 traffic counts of 15,000 vehicles per day.
- Developments such as the Star Cinema, MidAmerica Center, Bass Pro and the Bluffs Run expansion generate significant amounts of additional traffic.
- The existing pavement is four lanes wide and is in poor condition. It was originally constructed in 1970.
- The proposed project will reconstruct So. 24<sup>th</sup> Street with 5 lanes from the north property line of Sapp Brothers north to 23<sup>rd</sup> Avenue.
- The additional lanes and new alignment required acquisition of right-of-way primarily along the west side of the existing 24<sup>th</sup> Street roadway. Due to right-of-way issues the project is being undertaken in Phases, this being Phase I.
- The project is identified as FY10-13 in the CIP and has a budget of \$1,200,000 in Federal Congestion Management and Quality (CMAQ) funds and \$300,000 in sales tax funds for a total budget of \$1,500,000.
- Phase I will be constructed in the summer of 2010.

## **RECOMMENDATION**

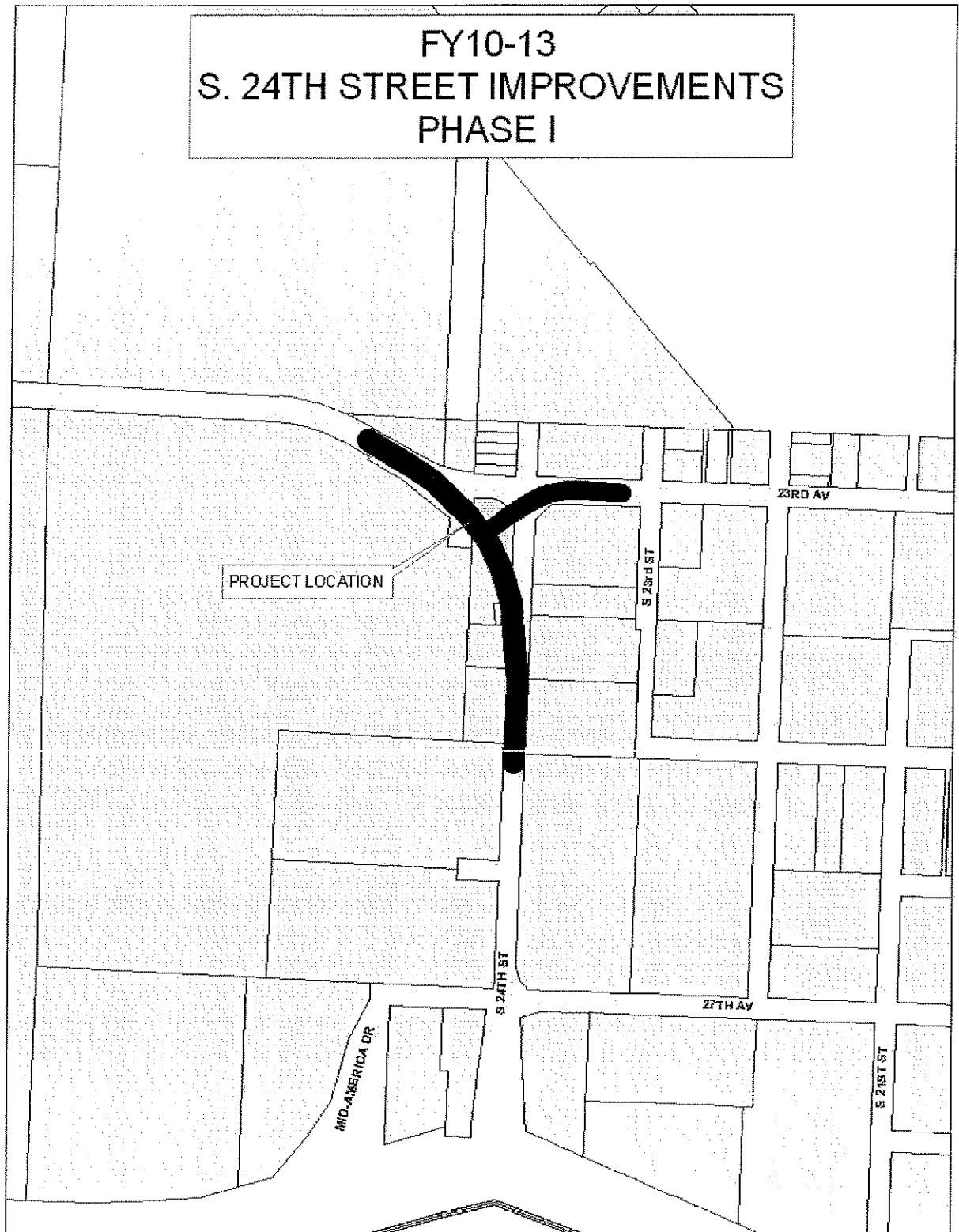
Approval of this resolution

---

Greg Reeder, Public Works Director



FY10-13  
S. 24TH STREET IMPROVEMENTS  
PHASE I



## COUNCIL COMMUNICATION

Department: Public Works  
Case/Project No.: FY10-13  
Applicant: Matthew Cox, City Engineer

Ordinance No. \_\_\_\_\_  
Resolution No. 10-106

First Reading March 29, 2010

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- This project was prepared with special provisions for A + B bidding procedures.
- The "A" portion of the bid is the total base bid for all contract work items. The "B" portion of the bid is the bidder's proposed number of calendar days to substantially complete the identified portion of work multiplied by the daily road user cost.
- The "B" portion can be an incentive or disincentive depending on whether the contractor substantially completes the work before or after the number of calendar days bid.
- The basis of contract award is the sum of A + B, however, the contract award amount is the "A" portion.

## **BACKGROUND/DISCUSSION**

- For this project the contractor bid 95 days and the daily road users costs were determined to be \$2,600 per day. The incentive/disincentive for this project is \$2,600 multiplied by the number of days prior to or after the 95 calendar days bid.
- The total base bid for this project is \$1,270,710.53.
- So. 24<sup>th</sup> Street is a major arterial with 2002 traffic counts of 15,000 vehicles per day.
- Developments such as the Star Cinema, MidAmerica Center, Bass Pro and the Bluffs Run expansion generate significant amounts of additional traffic.
- The existing pavement is four lanes wide and is in poor condition. It was originally constructed in 1970.
- The proposed project will reconstruct So. 24<sup>th</sup> Street with 5 lanes from the north property line of Sapp Brothers north to 23<sup>rd</sup> Avenue.
- The additional lanes and new alignment required acquisition of right-of-way primarily along the west side of the existing 24<sup>th</sup> Street roadway. Due to right-of-way issues the project is being undertaken in Phases, this being Phase I.
- The project is identified as FY10-13 in the CIP and has a budget of \$1,200,000 in Federal Congestion Management and Quality (CMAQ) funds and \$300,000 in sales tax funds for a total budget of \$1,500,000.
- Phase I will be constructed in the summer of 2010.

## **RECOMMENDATION**

Approval of this resolution

---

Greg Reeder, Public Works Director

## Council Communication

Department: Finance/Purchasing  Case/Project No.  Applicant.	Ordinance No. Resolution No. <u>10-107</u>	Council Action: <u>3/29/2010</u>
<b>Subject/Title</b>		
Purchase Toro Reelmaster 5410-D mower and accessories		
<b>Background/Discussion</b>		
<p>On March 9, 2010 the Council Bluffs Parks, Recreation and Public Property Department received a quotation from Midwest Turf &amp; Irrigation of Omaha, NE, the local authorized dealer for a Toro Reelmaster 5410-D mower of \$40,616.30, at a savings of \$11,322.70 off suggested retail price. Midwest Turf &amp; Irrigation prepared the quote in accordance with a National Intergovernmental Purchasing Alliance contract.</p> <p>National IPA pricing negotiated by the City of Tucson, AZ for a 5 year term from 10/15/2007 through 10/14/2010 provides a 21.8% discount off current year MSRP on traction units and 20.5% off accessories.</p> <p>Pricing negotiated by the Iowa DOT 5/17/2006 through 12/31/2010 provides a discount of 21% off current year MSRP.</p> <p>Midwest Turf and Irrigation also offered a trade value of \$1000.00 on a 1999 John Deere mower, reducing the total cost of the equipment to \$39,616.30. I have included documentation from both National IPA and State of Iowa Department of Transportation Multiple Award Contracts (pages 1 &amp; 11 of IDOT list attached; discount shown on page 11) showing discounts, as well as the quote Midwest Turf &amp; Irrigation quote which also shows regular municipal pricing. Parks, Recreation and Public Property currently have ten (10) Toro mowers in the fleet today.</p>		
<b>Recommendation</b>		
<p>It is the recommendation of the Purchasing Division that the City accept this quotation and purchase this mower with accessories as the equipment to be traded is on the Fleet Maintenance list for replacement in 2010. This action is deemed to be in the best interests of the City.</p> <p>Funds for this purchase will be covered by the Parks, Recreation and Public Property Department's capital equipment budget.</p>		

# Midwest Turf & Irrigation



14201 CHALCO VALLEY PARKWAY • OMAHA, NE 68138-6193  
(402) 895-8900 • FAX (402) 895-8913

March 9, 2010

Dodge Park Golf Course  
John Batt  
2 Harrahs Blvd  
Council Bluffs, IA 51503  
Fax 712-322-3021

John,

Below, please find pricing on the Reelmaster 5410-D.

Item	Description	Suggested List	Municipal Price	National IPA Pricing
03670	Reelmaster 5410-D	\$36,054.00		
03661(5)	8 Bladed DPA Cutting Units	\$13,325.00		
03668(5)	Powered Roller Brushes	\$2,560.00		
		<u>\$51,939.00</u>	<u>\$42,533.00</u>	<u>\$40,616.30</u>

Trade-In Value of the John Deere 3215A

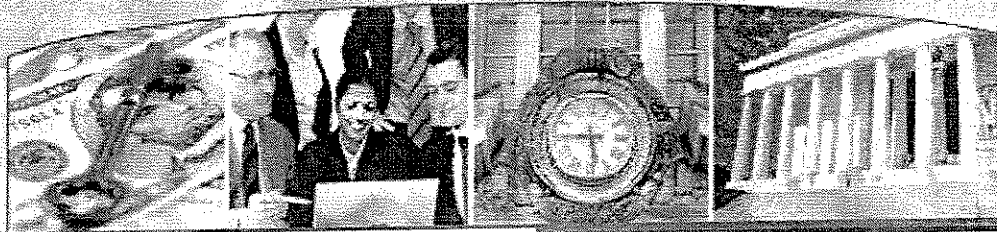
\$1,000.00

Note: The National IPA is a low bid cooperative purchasing agreement available to public entities. It offers lower cost plus time and resource savings to participating agencies.

If I can be of further assistance, please call.

Sincerely,

Dan Parr, Commercial Turf Sales



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CLICK HERE!

CONTRACT HIGHLIGHTS

DOCUMENTATION

PRICING & ORDERING

DISTRIBUTORS

NEED MORE INFO?

NEWS, EVENTS, ETC



GOING GREEN?  
We can help!

### Search Our Agreements:

Select Agreement



**TORO**

Count on it.

## Parks and Golf Grounds Maintenance Equipment

Competitively Solicited and Awarded by:  
City of Tucson, AZ

### Discount Structure:

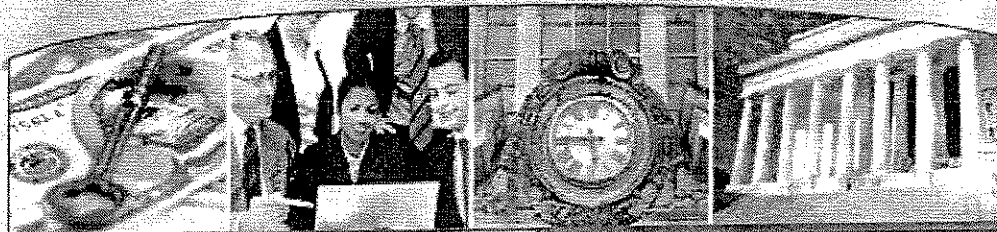
- Products purchased with a traction unit: 21.8% discount off of Toro Commercial current year MSRP
- Attachments, accessories sold without a traction unit: 20.5% discount off of Toro Commercial current year MSRP

### Smart Value Program:

In addition to the discount off of Toros Commercial list price, this agreement offers the Smart Value Program, a volume incentive program. Agencies will receive their choice of Toro Commercial Division goods. This may allow for Toro® Protection Plus, additional attachments, or even a complete unit.

For additional information, contact your local Toro Commercial distributor. To find your local distributor, [click here](#).

National Intergovernmental Purchasing Alliance Company  
1600 Westgate Circle, Suite 275, Brentwood, TN 37027  
Toll-Free (866) 408-3077 | [info@nationalipa.org](mailto:info@nationalipa.org)



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**Search Our Agreements:**

Select Agreement 



**TORO**

Count on it.

## Parks and Golf Grounds Maintenance Equipment

**Competitively Solicited and Awarded by:**  
City of Tucson, AZ

### Contract Highlights:

- Five year term starting October 15, 2007 (one year with 4 one-year renewals)
- Current renewal effective through October 14, 2010
- National aggregate pricing resulting in immediate cost savings opportunities
- Discount on equipment, attachments and accessories
- Award includes Commercial, Landscape Contractor, and Compact Utility products
- "Smart Value Program" volume incentive program that in addition to the discount off Toro's Commercial list price, agencies can receive their choice of any of the Toro contract products

National Intergovernmental Purchasing Alliance Company  
1600 Westgate Circle, Suite 275, Brentwood, TN 37027  
Toll-Free (866) 408-3077 | info@nationalipa.org

**Iowa Department of Transportation  
Multiple Award Contracts  
for all Subsidies of the State of Iowa  
Proposal 2608 let on May 17, 2006  
Contract End Dec. 31, 2010**



[illegible]

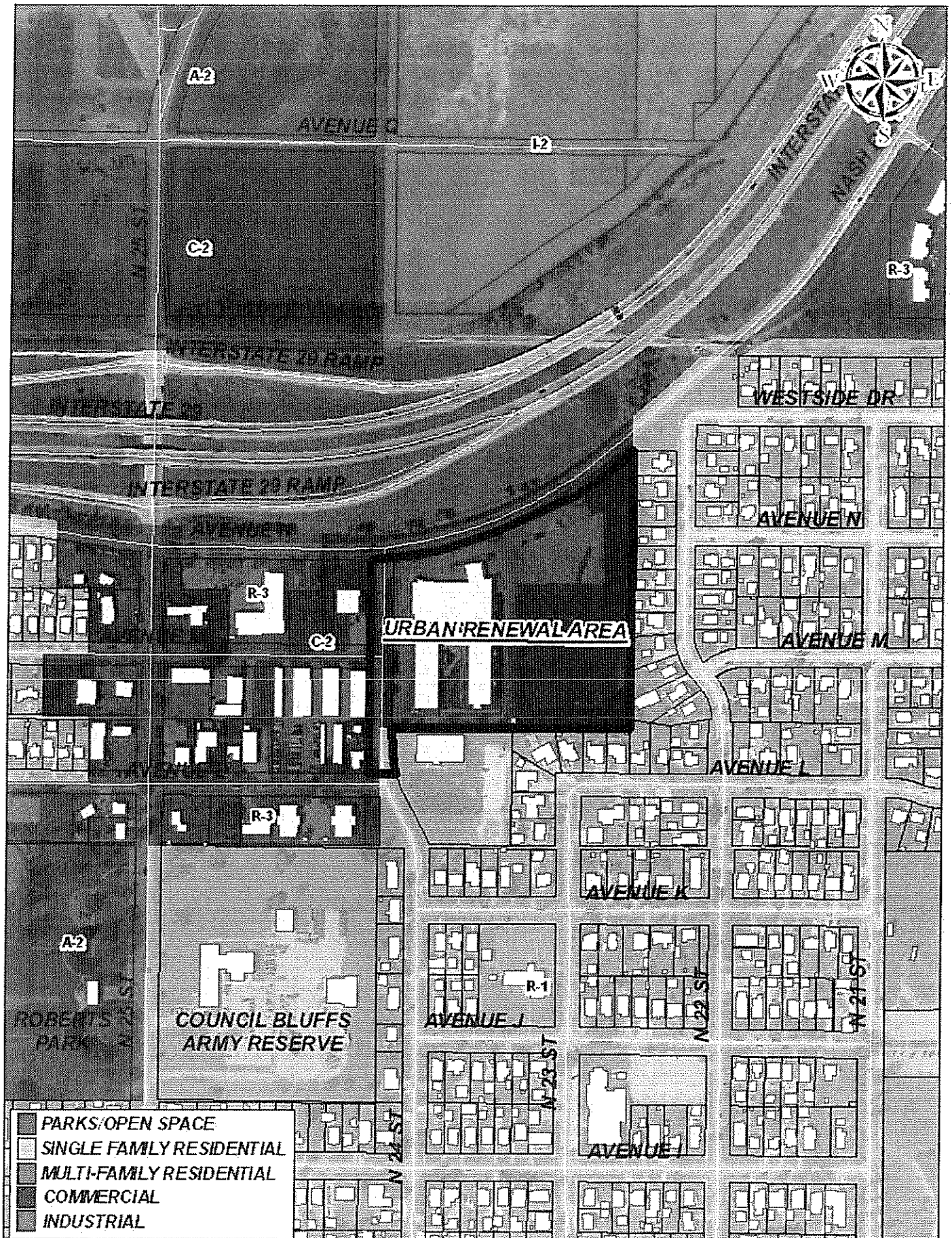
## Council Communication

Department: Finance/Purchasing  Case/Project No.  Applicant.	Ordinance No. Resolution No. <u>10-107</u>	Council Action: <u>3/29/2010</u>
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<b>Recommendation</b>		
<p>It is the recommendation of the Purchasing Division that the City accept this quotation and purchase this mower with accessories as the equipment to be traded is on the Fleet Maintenance list for replacement in 2010. This action is deemed to be in the best interests of the City.</p> <p>Funds for this purchase will be covered by the Parks, Recreation and Public Property Department's capital equipment budget.</p>		

## Council Communication

Department and Applicant: Community Development Case #CP-10-001	Resolution No. <u>10-108</u>	City Council: 3-29-10  Planning Commission: 3-09-10
<b>Subject</b>		
Amend the Future Land Use Map in the 1994 Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22 <sup>nd</sup> Street to North 24 <sup>th</sup> Street from Highway/General Commercial use to 1 & 2 Family Residential use.		
<b>Background/Discussion</b>		
<p>On February 22, 2010, the City Council passed a resolution of necessity directing staff to initiate the process of creating the Nash Boulevard Urban Renewal Plan and Area. This is the location of a vacant and blighted former hotel and the adjacent vacant land.</p> <p>Upon adoption of the Nash Boulevard Urban Renewal Plan (Case #URN-10-001), the City intends to invoke its urban renewal powers to facilitate private development for one and two family residential use. The future land use map in the 1994 Comprehensive Plan identifies the subject land and land extending directly west past North 25<sup>th</sup> Street for highway/general commercial use. The requested amendment extends only to North 24<sup>th</sup> Street. State law requires that future land use in the Comprehensive Plan be consistent with the goals of the proposed Urban Renewal Plan. In order to support the Nash Boulevard Urban Renewal Plan and Area, an amendment to the Comprehensive Plan is needed.</p> <p>The subject property and the land to the west are zoned C-2 Commercial. R-1/Single Family Residential abuts on the east and south. Nash Boulevard and Interstate right-of-way lie to the north. Current zoning is shown on the attached Illustration 5 - Land Use and Zoning Map. Site redevelopment will require rezoning and further subdivision, subject to Planning Commission review and City Council action.</p>		
<b>Recommendation</b>		
The Community Development Department recommends amending the future land use map in the 1994 Council Bluffs Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22 <sup>nd</sup> Street to North 24 <sup>th</sup> Street from Highway/General Commercial use to 1 & 2 Family Residential use.		
<b>Public Hearing</b>		
Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
<b>Planning Commission Recommendation</b>		
The Planning Commission recommends amending the future land use map in the 1994 Council Bluffs Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22 <sup>nd</sup> Street to North 24 <sup>th</sup> Street from Highway/General Commercial use to 1 & 2 Family Residential use.		
VOTE: AYE 10    NAY 0    ABSTAIN 0    ABSENT 1    Motion: Carried		
Attachment: Illustration 5 – Land Use and Zoning Map		
Prepared by: Gayle M. Malmquist, Development Services Coordinator		

### ILLUSTRATION 5 - LAND USE AND ZONING



**RESOLUTION NO. 10-108**

**A RESOLUTION TO AMEND THE FUTURE LAND USE MAP IN THE 1994 COMPREHENSIVE PLAN FOR THE AREA SOUTH OF INTERSTATE 29/AVENUE N (NASH BOULEVARD), FROM WEST OF NORTH 22<sup>nd</sup> STREET TO NORTH 24<sup>th</sup> STREET FROM HIGHWAY/GENERAL COMMERCIAL USE TO 1 AND 2 FAMILY RESIDENTIAL USE.**

- WHEREAS,** on February 22, 2010, the City Council passed a resolution of necessity directing staff to initiate the process of creating the Nash Boulevard Urban Renewal Plan and Area; and
- WHEREAS,** upon adoption of the Nash Boulevard Urban Renewal Plan, the City intends to invoke its urban renewal powers to facilitate private development for one and two family residential use; and
- WHEREAS,** the future land use map in the 1994 Comprehensive Plan identifies the subject land and land extending directly west past North 25<sup>th</sup> Street for highway/general commercial use. The requested amendment extends only to North 24<sup>th</sup> Street; and
- WHEREAS,** state law requires that future land use in the Comprehensive Plan be consistent with the goals of the proposed Urban Renewal Plan. In order to support the Nash Boulevard Urban Renewal Plan and Area, an amendment to the Comprehensive Plan is needed; and
- WHEREAS,** the Planning Commission has reviewed the proposed amendment to the future land use map in the 1994 Council Bluffs Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22<sup>nd</sup> Street to North 24<sup>th</sup> Street from Highway/General Commercial use to 1 and 2 Family Residential use, and recommends approval by the City Council.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:**

That the future land use map in the 1994 Council Bluffs Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22<sup>nd</sup> Street to North 24<sup>th</sup> Street is hereby amended from Highway/General Commercial use to 1 and 2 Family Residential use.

ADOPTED  
AND  
APPROVED

March 29, 2010

\_\_\_\_\_  
THOMAS P. HANAFAN

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN

\_\_\_\_\_  
City Clerk



Council Communication

Department: Community Development Applicant: David Fitch 94 Jennings Avenue Council Bluffs, IA 51503	Resolution No. <u>10-109</u>	City Council: 3/29/2010
<b>Subject/Title</b> Request for a temporary use permit to allow evening gospel meetings at 94 Jennings Avenue		
<b>Background/Discussion</b> <p>The City Council adopted Chapter 15.02.110 <i>Temporary Use Permit</i>, effective October 27, 2008. The section makes provisions for the approval of certain types of temporary use permits. Requests for temporary use permits, which are not predefined, are subject to the review and approval by the City Council. The request at 94 Jennings Avenue is one such request.</p> <p>The applicant has requested to have outdoor gospel meetings at his property located at 94 Jennings Avenue. He proposes to erect a 30' by 60' tent on the property. The application requests permission to conduct the meetings June 7, 2010 through July 31, 2010 from 7:30-8:30pm, Sunday through Friday. Fifty to seventy-five people are expected to attend. Portable sanitation facilities are proposed as well as outdoor lighting. Vehicles would enter from the west through a driveway from the portion of Slightham Avenue (not previously vacated) which abuts his property. The applicant has indicated he has a permit to install the driveway from Slightham Avenue. A general location map and a site plan are attached for your review.</p> <p><u>Comments Received Departments/Utilities:</u></p> <ol style="list-style-type: none"><li>1. The applicant has addressed the comments received from the Fire Marshall's office.</li><li>2. The Health Department has provided guidance on the number of portable toilets recommended for the size and duration of the proposed event. The reference requires four portable toilets, each with a hand washing facility. The adopted Noise Ordinance will apply.</li><li>3. Parking will not be permitted in the Jennings Road, or Slightham Avenue right-of-way. Parking must be accommodated on the applicant's property from an appropriately designed and approved driveway.</li><li>4. MidAmerican Energy has no objection to the application.</li><li>5. A permit to install a culvert across the drainage way at the west end of Slightham Avenue has been issued. A driveway permit is also required.</li></ol> <p><u>Comments were received from four property owners. A summary of the concerns expressed are below:</u></p> <ol style="list-style-type: none"><li>1. Time and duration of the event is too long and too late in the evening.</li><li>2. Concerns with liability of those who may trespass onto adjacent properties not owned by the applicant.</li><li>3. Placement of a driveway from Slightham Avenue and the resulting traffic. Impacts of installing a driveway at the location.</li></ol>		

4. Disruption of daily activities to adjoining property owners.
5. Noise; during the summer months, it is reasonable to think windows will be open.
6. Location and maintenance of the portable toilets.

#### **Recommendation**

The Community Development Department recommends a temporary use permit be issued subject to the following minimum requirements:

1. No part of the issuance of the requested temporary use permit shall circumvent any other applicable Code or Law.
2. If the applicant is found to be in violation of any condition of approval or other applicable Code or Law the permit shall be immediately suspended.
3. The duration of the event shall be limited to not more than three consecutive calendar weeks. The applicant shall provide the requested dates pending approval.
4. The event shall be limited to one hour between 6:30pm and 7:30pm. All participants and vehicles shall vacate the site by 8:00pm.
5. The event shall be limited to 4 days per week and shall not include Saturdays. The applicant shall provide the requested days of the week pending approval.
6. The tent shall be placed not more than 7 days prior to the beginning date of the event and shall be removed within 7 days of the close of the event.
7. The applicant shall provide four portable toilets and hand washing stations and shall maintain them according to manufacture recommendations.
8. The applicant shall provide temporary lighting for safety related reasons as required.
9. If at any time, the tent is enclosed on all sides the location becomes subject to compliance with Iowa Department of Public Health Smoking Regulations. Smoking would not be permitted inside the tent and a designated smoking area outside would be required.
10. Vehicles shall park on the applicant's property only, and not on any public right-of-way.
11. A temporary barrier/marking system shall be placed on the south property line in such a way as to clearly identify the applicant's property to prevent trespass onto adjoining properties.
12. Access from Slightham Avenue (from the west) is subject to all required driveway and right-of-way permit approvals.

**Attachments:** Location map  
Site plan as submitted by the applicant

Submitted by: Rose E. Brown, Urban Planner, Community Development Department  
Approved by: Donald D. Gross, Director, Community Development Department

CASE #TU-10-001

94 Jennings Rd.

Jennings Ave

Railroad Hwy

Subject Property

Slightam Ave

Perry Rd



Case #74-10-021

hgm ASSOCIATES INC. ENGINEERING SURVEYING

DATE	NOV 04
BY	WES
CHECKED	WES
DATE	
BY	
CHECKED	

PLAT OF SURVEY  
IN/2NW1/4 SECTION 21-75-43  
RD. BLUE CONSTRUCTION  
20474 MONUMENT RD., PRESENT, IA 51526

Project No.  
11024  
Sheet  
1 OF 1

# "PLAT OF SURVEY"

## LEGAL DESCRIPTION

ALL OF LOTS 2, 3, 4, AND 5 AND PART OF LOT 6, THE NORTH HALF (20') OF VACATED SLIGHTAM AVENUE, ADJACENT TO LOTS 2, 3, 4, 5 AND 6, PART OF LOT 21, THE SOUTH HALF (20') OF VACATED SLIGHTAM AVENUE, ADJACENT TO LOTS 22 AND 23, ALL IN GLENGARRY, A SUBDIVISION OF THE N/2NW1/4 OF SECTION 21, TOWNSHIP 75 NORTH, RANGE 43 WEST, POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE ALONG THE EASTERLY LINE OF SAID LOT 2 AND ALONG ITS PROLONGATION SOUTHEASTERLY, SOUTH 21 DEGREES 50 MINUTES 54 SECONDS EAST, 192.57 FEET; THENCE SOUTH 68 DEGREES 57 MINUTES 34 SECONDS WEST, 55.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF JENNINGS ROAD;

THENCE ALONG SAID WESTERLY LINE, SOUTH 21 DEGREES 51 MINUTES 11 SECONDS EAST, 82.38 FEET; THENCE NORTH 63 DEGREES 49 MINUTES 46 SECONDS WEST, 94.81 FEET;

THENCE NORTH 21 DEGREES 51 MINUTES 11 SECONDS WEST, 12.80 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VACATED SLIGHTAM AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 65 DEGREES 57 MINUTES 34 SECONDS WEST, 154.73 FEET;

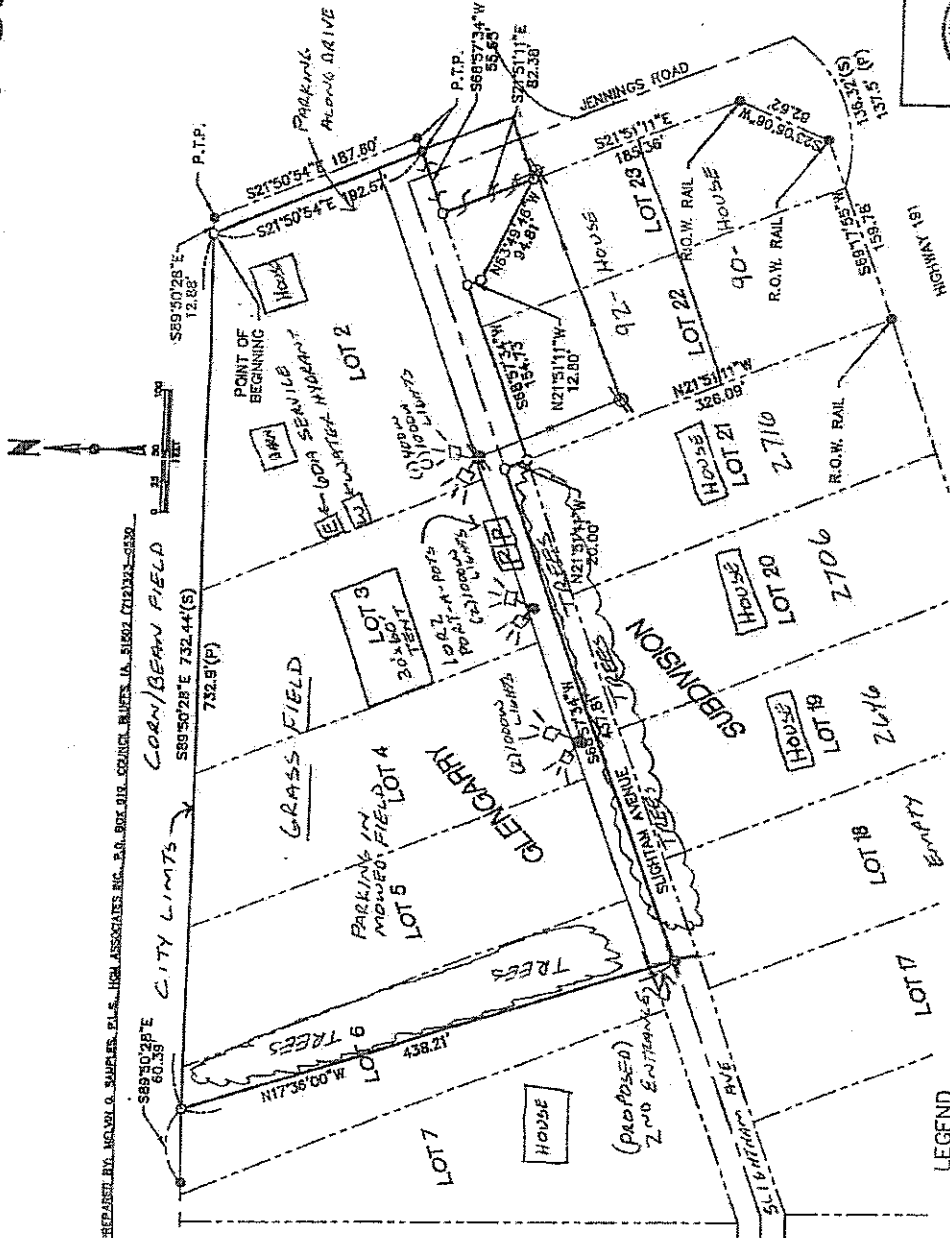
THENCE NORTH 21 DEGREES 51 MINUTES 11 SECONDS WEST, 20.00 FEET TO A POINT ON THE CENTERLINE OF VACATED SLIGHTAM AVENUE;

THENCE ALONG SAID CENTERLINE, SOUTH 68 DEGREES 57 MINUTES 34 SECONDS WEST, 437.61 FEET;

THENCE NORTH 17 DEGREES 36 MINUTES 00 SECONDS WEST, 438.21 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 21;

THENCE ALONG SAID NORTH LINE, SOUTH 88 DEGREES 50 MINUTES 28 SECONDS EAST, 732.44 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.113 ACRES MORE OR LESS.



I hereby certify that this land surveying document was prepared and the same is a true and correct copy of the original and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

WESLEY E. SAMPLES  
License Number: 00588  
My Expiration Date is December 31, 2006.  
Signed at Pottawattamie County, Iowa  
Surveyed and Corrected by this map



DATE OF FIELD SURVEY  
NOVEMBER 4, 2004  
PROPRIETOR: ROBERT D. - CAROLYN A. BLUE

- LEGEND
- P.T.P. PINCH TOP PIPE
  - FOUND PROPERTY CORNER AS NOTED ON THE DRAWING
  - SET 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED HGM ASSOC. #10569

RESOLUTION NO. 10-109

A RESOLUTION AUTHORIZING THE ISSUANCE OF A TEMPORARY USE PERMIT TO ALLOW OUTDOOR MEETINGS AT 94 JENNINGS AVENUE IN THE CITY OF COUNCIL BLUFFS.

WHEREAS, the City has received an application for a temporary use permit to allow outdoor gospel meetings at 94 Jennings Avenue; and

WHEREAS, the application is subject to Chapter 15.02.110 *Temporary Use Permit*, of the *Municipal Code*; and

WHEREAS, the Community Development Department recommends approval of the temporary use permit subject to the following:

1. No part of the issuance of the requested temporary use permit shall circumvent any other applicable Code or Law;
2. If the applicant is found to be in violation of any condition of approval or other applicable Code or Law the permit shall be immediately suspended;
3. The duration of the event shall be limited to not more than three consecutive calendar weeks. The applicant shall provide the requested dates pending approval;
4. The event shall be limited to one hour between 6:30pm and 7:30pm. All participants and vehicles shall vacate the site by 8:00pm.
5. The event shall be limited to 4 days per week and shall not include Saturdays. The applicant shall provide the requested days of the week pending approval;
6. The tent shall be placed not more than 7 days prior to the beginning date of the event and shall be removed within 7 days of the close of the event;
7. The applicant shall provide four portable toilets and hand washing stations and shall maintain them according to manufacture recommendations;
8. The applicant shall provide temporary lighting for safety related reasons as required;
9. If at any time the tent is enclosed on all sides the location becomes subject to compliance with Iowa Department of Public Health Smoking Regulations. Smoking would not be permitted inside the tent and a designated smoking area outside would be required.
10. Vehicles shall park on the applicant's property only, and not on any public right-of-way;
11. A temporary barrier/marking system shall be placed on the south property line in such a way as to clearly identify the applicant's property to prevent trespass onto adjoining properties;
12. Access from Slightham Avenue (from the west) is subject to all required driveway and right-of-way permit approvals.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City Council authorize the Mayor, or his designee, to issue a temporary use permit for 94 Jennings Avenue subject to the conditions set forth above.

ADOPTED  
AND  
APPROVED

March 29, 2010

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden, City Clerk